

AMENDED IN ASSEMBLY AUGUST 24, 2006

CALIFORNIA LEGISLATURE—2005–06 SECOND EXTRAORDINARY SESSION

ASSEMBLY BILL

No. 5

**Introduced by Assembly Members Bermudez, Sharon Runner,
and Spitzer**

August 8, 2006

An act to *amend Section 12838.5 of, and to add Chapter 3.26 (commencing with Section 15819.55) to Part 10b of Division 3 of Title 2 of, the Government Code, to amend Sections 13601, 13602, and 13603 of, to amend the heading of Title 4.5 (commencing with Section 13600) of Part 4 of, and to repeal and add Section 13600 of, the Penal Code, to amend Section 1000.5 of the Welfare and Institutions Code, and to amend Section 1 of Chapter 925 of the Statutes of 2004*, relating to corrections, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 5, as amended, Bermudez. Corrections: training academy.

Existing law establishes a training academy in Galt and a training center in Stockton for correctional officers.

This bill would authorize the Department of Corrections and Rehabilitation to acquire land for, design, construct, or renovate, a training academy in Southern California for correctional officers. The bill would authorize the State Public Works Board to issue revenue bonds to finance that project. ~~The bill also would authorize the department to train cadets in academy classes at prison locations or in partnership with community colleges, as specified.~~

Under existing law, the Corrections Standards Authority is responsible for developing, approving, and monitoring standards for

the selection and training of state correctional peace officers and apprentices.

This bill would create the Commission on Correctional Peace Officer Standards and Training, which would succeed to those functions.

Existing law authorizes the Director of General Services to sell, exchange, or lease real property known as the Fred C. Nelles Correctional Facility in Los Angeles County.

This bill would delete that provision ~~and instead authorize the department to re-activate that facility as a prison facility or a training facility.~~

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12838.5 of the Government Code is
2 amended to read:

3 12838.5. The Department of Corrections and Rehabilitation
4 hereby succeeds to, and is vested with, all the powers, functions,
5 duties, responsibilities, obligations, liabilities, and jurisdiction of
6 the following entities, which shall no longer exist: Youth and
7 Adult Correctional Agency, Department of Corrections,
8 Department of the Youth Authority, ~~Commission on Correctional~~
9 ~~Peace Officer Standards and Training~~, Board of Corrections, and
10 State Commission on Juvenile Justice, Crime and Delinquency
11 Prevention. For purposes of this article, the above entities shall
12 be known as “predecessor entities.”

13 ~~SECTION 1.~~

14 SEC. 2. Chapter 3.26 (commencing with Section 15819.55) is
15 added to Part 10b of Division 3 of Title 2 of the Government
16 Code, to read:

17
18 CHAPTER 3.26. FINANCING FOR SOUTHERN CALIFORNIA
19 CORRECTIONAL OFFICER TRAINING ACADEMY

20
21 15819.55. The Department of Corrections and Rehabilitation
22 may acquire land for, design, construct, or renovate, a training

1 academy in Southern California, as authorized in Section 13602
2 of the Penal Code. The scope and costs of this project shall be
3 subject to approval and administrative oversight by the State
4 Public Works Board, including augmentations, pursuant to
5 Sections 13332.11 or 13332.19.

6 15819.56. For the project approved for financing by the board
7 pursuant to Section 15819.55, the board may borrow funds for
8 project costs, including acquisition, studies, preliminary plans
9 and working drawings, construction and construction related
10 costs from the Pooled Money Investment Account pursuant to
11 Sections 16312 and 16313. Project funds expended prior to
12 project approval by the board shall not be reimbursable from the
13 proceeds of the bonds.

14 15819.57. (a) The board may issue revenue bonds,
15 negotiable notes, or negotiable bond anticipation notes pursuant
16 to this part, to finance the acquisition, design, or construction,
17 and the costs of interim financing, of the training academy
18 project authorized in Section 15819.55. Authorized costs for
19 acquisition, design, construction, and construction related costs,
20 for the project approved for financing by the board pursuant to
21 Section 15819.55, shall not exceed fifty-five million three
22 hundred thousand dollars (\$55,300,000).

23 (b) Notwithstanding Section 13340, funds derived from
24 interim financing, revenue bonds, negotiable notes, or negotiable
25 bond anticipation notes issued pursuant to this chapter are hereby
26 continuously appropriated to the board on behalf of the
27 Department of Corrections and Rehabilitation for the purposes
28 specified in Section 15819.55.

29 15819.58. Notwithstanding Section 15819.57, the amount of
30 revenue bonds, negotiable notes, or negotiable bond anticipation
31 notes to be sold shall equal the following:

32 (a) The cost of acquisition, design, construction or
33 construction management and supervision, and other costs
34 related to the design and construction of the facilities, including
35 augmentations.

36 (b) Sums necessary to pay interim financing.

37 (c) In addition to the amount authorized by Section 15819.57,
38 any additional amount as may be authorized by the board,
39 including, but not limited to, the costs of financing. The costs of
40 financing include, but are not limited to, interest during

1 construction of the project, a reasonably required reserve fund,
2 and the cost of issuance of permanent financing.

3 *SEC. 3. The heading of Title 4.5 (commencing with Section*
4 *13600) of Part 4 of the Penal Code is amended to read:*

5
6 TITLE 4.5. ~~CORRECTIONS STANDARDS AUTHORITY~~
7 ~~COMMISSION ON CORRECTIONAL PEACE OFFICER~~
8 ~~STANDARDS AND TRAINING~~
9

10 *SEC. 4. Section 13600 of the Penal Code is repealed.*

11 13600. ~~(a) Commencing July 1, 2005, any reference to the~~
12 ~~Commission on Correctional Peace Officer Standards and~~
13 ~~Training or "CPOST" shall refer to the Corrections Standards~~
14 ~~Authority established pursuant to Chapter 5 (commencing with~~
15 ~~Section 6024) of Title 7 of Part 3. As of that date, the~~
16 ~~Commission on Correctional Peace Officer Standards and~~
17 ~~Training is abolished.~~

18 ~~(b) The Legislature finds and declares that peace officers of~~
19 ~~the state correctional system, including youth and adult~~
20 ~~correctional facilities, fulfill responsibilities that require creation~~
21 ~~and application of sound selection criteria for applicants and~~
22 ~~standards for their training prior to assuming their duties. For the~~
23 ~~purposes of this section, correctional peace officers are peace~~
24 ~~officers as defined in Section 830.5 and employed or designated~~
25 ~~by the Department of Corrections and Rehabilitation.~~

26 ~~The Legislature further finds that sound applicant selection and~~
27 ~~training are essential to public safety and in carrying out the~~
28 ~~missions of the Department of Corrections and Rehabilitation in~~
29 ~~the custody and care of the state's offender population. The~~
30 ~~greater degree of professionalism which will result from sound~~
31 ~~screening criteria and a significant training curriculum will~~
32 ~~greatly aid the department in maintaining smooth, efficient, and~~
33 ~~safe operations and effective programs in the department.~~

34 ~~(c) The Secretary of the Department of Corrections and~~
35 ~~Rehabilitation shall, with advice from the Corrections Standards~~
36 ~~Authority, appoint a subordinate officer to serve as executive~~
37 ~~director of the board. The subordinate officer shall serve at the~~
38 ~~pleasure of the secretary. The subordinate officer shall appoint~~
39 ~~staff as provided for in the annual Budget Act, beginning in the~~
40 ~~2005-06 fiscal year.~~

1 *SEC. 5. Section 13600 is added to the Penal Code, to read:*

2 *13600. (a) The Legislature finds and declares that peace*
3 *officers of the state correctional system, including youth and*
4 *adult correctional facilities, have a role in the criminal justice*
5 *system that has been previously ignored in terms of creation and*
6 *application of sound selection criteria for applicants and their*
7 *training prior to assuming their duties. For the purposes of this*
8 *section, correctional peace officers are peace officers as defined*
9 *in Section 830.5 and employed by the Department of Corrections*
10 *and Rehabilitation.*

11 *The Legislature further finds that sound applicant selection*
12 *and training are essential to public safety and in carrying out the*
13 *missions of the department in the custody and care of the state's*
14 *offender population. The greater degree of professionalism*
15 *which will result from sound screening criteria and a significant*
16 *training curriculum will greatly aid the department in*
17 *maintaining smooth, efficient, and safe operations and effective*
18 *programs in the department.*

19 *(b) There is within the Department of Corrections and*
20 *Rehabilitation a Commission on Correctional Peace Officer*
21 *Standards and Training, hereafter referred to as the CPOST.*

22 *(c) (1) The executive board of the CPOST shall be composed*
23 *of six voting members.*

24 *(A) Three members from, appointed by, and representing the*
25 *management of, the department.*

26 *(B) Three members from, appointed by, and representing the*
27 *membership of, the California Correctional Peace Officers'*
28 *Association. Two members shall be rank and file persons from*
29 *State Bargaining Unit 6 and one member shall be supervisory.*

30 *(2) Each appointing authority shall appoint one alternate*
31 *member for each regular member whom they appoint pursuant to*
32 *paragraph (1). Every alternate member shall possess the same*
33 *qualifications as the regular member and shall substitute for, and*
34 *vote in place of, the regular member whenever he or she is*
35 *absent.*

36 *(d) The rules for voting on the executive board of the CPOST*
37 *shall be as follows:*

38 *(1) Decisions shall be made by a majority vote.*

39 *(2) Proxy voting shall not be permitted.*

1 (3) Tentative approval of a decision may be taken by a
2 telephone vote. The CPOST members' decision shall be
3 documented in writing and submitted to the CPOST for
4 confirmation at the next scheduled CPOST meeting so as to
5 become a part of the permanent record.

6 (e) The executive board of the CPOST shall adopt rules as it
7 deems necessary for efficient operations, including, but not
8 limited to, the appointment of advisory members for forming
9 whatever subcommittee it deems necessary to conduct its
10 business. These rules shall be in conformance with the State
11 Personnel Board rules and regulations, the Department of
12 Personnel Administration rules and regulations, and the
13 provisions of the State Bargaining Unit 6 Memorandum of
14 Understanding.

15 ~~SEC. 2.~~

16 SEC. 6. Section 13601 of the Penal Code is amended to read:

17 13601. (a) ~~The Corrections Standards Authority~~ CPOST shall
18 develop, approve, and monitor standards for the selection and
19 training of state correctional peace officer apprentices. Any
20 standard for selection established under this subdivision shall be
21 subject to approval by the State Personnel Board. Using the
22 psychological and screening standards established by the State
23 Personnel Board, the State Personnel Board or the Department of
24 Corrections and Rehabilitation shall ensure that, prior to training,
25 each applicant who has otherwise qualified in all physical and
26 other testing requirements to be a peace officer in either a youth
27 or adult correctional facility, is determined to be free from
28 emotional or mental conditions that might adversely affect the
29 exercise of his or her duties and powers as a peace officer.

30 (b) ~~The authority~~ CPOST may approve standards for a course
31 in the carrying and use of firearms for correctional peace officers
32 that is different from that prescribed pursuant to Section 832. The
33 standards shall take into consideration the different
34 circumstances presented within the institutional setting from that
35 presented to other law enforcement agencies outside the
36 correctional setting.

37 (c) Notwithstanding Section 3078 of the Labor Code, the
38 length of the probationary period for correctional peace officer
39 apprentices shall be determined by the authority subject to

1 approval by the State Personnel Board, pursuant to Section
2 19170 of the Government Code.

3 (d) ~~The authority~~ *CPOST* shall develop, approve, and monitor
4 standards for advanced rank-and-file and supervisory state
5 correctional peace officer and training programs for the
6 Department of Corrections and Rehabilitation. When a
7 correctional peace officer is promoted within the department, he
8 or she shall be provided with and be required to complete these
9 secondary training experiences.

10 (e) ~~The authority~~ *CPOST* shall develop, approve, and monitor
11 standards for the training of state correctional peace officers in
12 the department in the handling of stress associated with their
13 duties.

14 (f) Toward the accomplishment of the objectives of this act,
15 ~~the authority~~ *CPOST* may confer with, and may avail itself of the
16 assistance and recommendations of, other state and local
17 agencies, boards, or commissions.

18 (g) Notwithstanding the authority of ~~the authority~~ *CPOST*, the
19 department shall design and deliver training programs, shall
20 conduct validation studies, and shall provide program support.
21 ~~The authority~~ *CPOST* shall monitor program compliance by the
22 department.

23 (h) ~~The authority~~ *CPOST* may disapprove any training courses
24 created by the department pursuant to the standards developed by
25 the authority if it determines that the courses do not meet the
26 prescribed standards.

27 (i) ~~The authority~~ *CPOST* shall annually submit an estimate of
28 costs to conduct those inquiries and audits as may be necessary to
29 determine whether the department and each of its institutions and
30 parole regions are adhering to the standards developed by the
31 ~~authority~~ *CPOST*, and shall conduct those inquiries and audits
32 consistent with the annual Budget Act.

33 (j) ~~The authority~~ *CPOST* shall establish and implement
34 procedures for reviewing and issuing decisions concerning
35 complaints or recommendations from interested parties regarding
36 ~~authority~~ *CPOST* rules, regulations, standards, or decisions.

37 ~~SEC. 3.~~

38 *SEC. 7.* Section 13602 of the Penal Code is amended to read:
39 13602. (a) ~~(1)~~—The Department of Corrections and
40 Rehabilitation may use the training academy at Galt or the

1 training center in Stockton. The academy at Galt shall be known
2 as the Richard A. McGee Academy. The training divisions, in
3 using the funds, shall endeavor to minimize costs of
4 administration so that a maximum amount of the funds will be
5 used for providing training and support to correctional peace
6 officers while being trained by the department.

7 ~~(2) In addition to the locations identified in paragraph (1), the~~
8 ~~department may establish a training academy for correctional~~
9 ~~officers on property owned by the department in Southern~~
10 ~~California. The department may also train cadets in academy~~
11 ~~classes conducted at prison locations or in partnership with~~
12 ~~community colleges, provided the course of study meets the~~
13 ~~requirements of this title.~~

14 (b) Each new cadet who attends an academy shall complete
15 the course of training, pursuant to standards approved by the
16 ~~Corrections Standards Authority Commission on Correctional~~
17 ~~Peace Officer Standards and Training~~ before he or she may be
18 assigned to a post or job as a peace officer. Every newly
19 appointed first-line or second-line supervisor in the Department
20 of Corrections and Rehabilitation shall complete the course of
21 training, pursuant to standards approved by the ~~authority~~
22 ~~commission~~ for that position.

23 (c) The Department of Corrections and Rehabilitation shall
24 make every effort to provide training prior to commencement of
25 supervisory duties. If this training is not completed within six
26 months of appointment to that position, any first-line or
27 second-line supervisor shall not perform supervisory duties until
28 the training is completed.

29 SEC. 8. *Section 13603 of the Penal Code is amended to read:*

30 13603. (a) The Department of Corrections and Rehabilitation
31 shall provide 16 weeks of training to each correctional peace
32 officer cadet. Except as provided by subdivision (b), this training
33 shall be completed by the cadet prior to his or her assignment to
34 a post or position as a correctional peace officer.

35 (b) If an agreement is reached between the department and the
36 bargaining unit for the correctional peace officers that this
37 subdivision shall apply, and with the approval of the ~~Corrections~~
38 ~~Standards Authority Commission on Correctional Peace Officer~~
39 ~~Standards and Training~~ on how to implement the on-the-job
40 training requirements of the subdivision, the department shall

1 provide a total of 16 weeks of training to each correctional peace
2 officer cadet as follows:

3 (1) Twelve weeks of the training shall be at the department's
4 training academy. Cadets shall be sworn in as correctional peace
5 officers upon the completion of this initial 12 weeks.

6 (2) Four weeks shall be at the institution where the cadet is
7 assigned to a post or position.

8 (c) The department shall provide a minimum of two weeks of
9 training to each newly appointed first-line supervisor.

10 (d) Training standards previously established pursuant to this
11 section shall remain in effect until training requirements are
12 established by the ~~Corrections Standards Authority~~ *CPOST*
13 pursuant to Section 13602.

14 ~~SEC. 4.~~

15 *SEC. 9.* Section 1000.5 of the Welfare and Institutions Code
16 is repealed.

17 ~~SEC. 5.~~

18 *SEC. 10.* Section 1 of Chapter 925 of the Statutes of 2004 is
19 amended to read:

20 SECTION 1. The Director of General Services, with the
21 approval of the State Public Works Board, may sell, exchange, or
22 lease for current market value or for any lesser consideration
23 authorized by law and upon those terms and conditions and
24 subject to those reservations and exceptions as the Director of
25 General Services determines are in the best interests of the state,
26 all or any part of the following real property:

27 Approximately 24.71 acres with improvements thereon, known
28 as the Northern California Youth Reception Center and Clinic,
29 located at 3001 Ramona Road in Sacramento, Sacramento
30 County, and operated by the Department of Corrections and
31 Rehabilitation.

32 ~~SEC. 6. Notwithstanding any other provision of law, the~~
33 ~~Department of Corrections and Rehabilitation is authorized to~~
34 ~~re-activate the former Fred C. Nelles Youth Corrections Facility~~
35 ~~in Whittier. The uses of this facility may include, but are not~~
36 ~~limited to, a prison facility or a training facility for department~~
37 ~~correctional officers.~~

38 ~~SEC. 7.~~

39 *SEC. 11.* This act is an urgency statute necessary for the
40 immediate preservation of the public peace, health, or safety

- 1 within the meaning of Article IV of the Constitution and shall go
- 2 into immediate effect. The facts constituting the necessity are:
- 3 In order to establish a training academy in Southern California,
- 4 it is necessary that this act take effect immediately.

O